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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/240,919

01/29/1999

ALEX E. HENDERSON

3625

7950

7590

12/12/2005

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EXAMINER

PATEL, AJIT

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,919

Applicant(s)

HENDERSON ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29,31-37,47-49,55-59,63,64 and 72-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29,31-37,47-49,55-59,63,64, and 72-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

1. Claims 29,37,47,55,72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "applies to a respective protocol element of a packet" is not supported by the specification as originally filed. In claim 37, the recitation "determining table or rule to be modified" is not supported by the specification as originally filed. In claim 55, the recitation "unique" is also not supported by the specification.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29,31-37,47-49,55,56,59,63,72-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward (newly cited, U.S. Pat. # 6,304,903).

Regarding claims 29,37,47,55,72, Ward comprising a state machine for collecting information on use of a packet network comprising a filtering database comprising layered rule tables (314, 316 of fig. 3; lines 31-50, col. 9), wherein each rule table

comprises a protocol element locator and a default rule (lines 29-39, col. 7; lines 23-49, col. 8); packet filtering engine coupled to the filtering database for filtering the packets using at least one rule table in the filtering database (320 of fig. 3).

Regarding claims 31,55,73, Ward disclose the limitation "each rule table further comprises at least one filtering rule" (TABLE 1 of col. 7).

Regarding claims 32,75, Ward discloses the limitation "at least one filtering rule comprises a statistics counter" (28 of fig. 1).

Regarding claims 33,76, Ward discloses the limitation "the protocol element locator comprises an offset and a mask for selecting a protocol element of a packet" (lines 5-22, col. 8).

Regarding claim 34, Ward discloses the limitation "protocol element locator further comprises a table timer and statistics counters (col. 5, line 48 through line 27, col. 6, specifically lines 55-64, col. 5).

Regarding claims 35,47,56, Ward discloses the limitation "a packet buffer for storing packets (18 of fig.1; 306 of fig. 3); a protocol element locator buffer for storing the protocol element locator (62,64,66 of fig. 3); and a rule evaluator for receiving a packet from the packet buffer and applying at least one rule table to the packet (320 of fig. 3)".

Regarding claims 36,37,49,59,63 Ward discloses the limitation "a filtering engine for receiving the packet prototype from external software source and for modifying the location determined by the packet prototype (line 50, col. 1 through line 3, col. 2; lines

12-17, col. 2); a packet prototype for determining a location to be modified in the filtering database (lines 1-3 of col. 2).

Regarding claim 47, Ward discloses the limitation "the rule evaluator uses the protocol element locator to select a protocol element from a packet" (320 of fig. 3).

Regarding claim 74, Ward discloses the limitation "the filtering rule comprises a pointer to another rule table" (lines 27-54, col. 11).

Regarding claims 77-83 are rejected the same way as the claims are rejected previously.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 57, 58 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Gobuyan et al (newly cited, U.S. Pat. 5,917,821).

Ward discloses all the subject matter as described in previous paragraph except the range of the protocol element descriptor. Gobuyan et al disclose the packet filtering system in which the protocol descriptor has the range to filter the packet (lines 54-60, col. 2). Therefore, it would have been obvious to one skilled in the art to use protocol descriptor has the range to filter the packet as taught by Gobuyan et al in the system of Ward to filter the in coming packet so that the packet can be forward to the destination.

6. Applicant's arguments filed 8/22/2005 have been fully considered but they are not persuasive. Applicant argued that Ward fails to disclose the limitation wherein each rule table applies to a respective protocol element of a packet. However, applicant fails to point out where that limitation is in the specification. Regarding claim 55, Applicant argued that Ward fails to disclose the unique rule table. The applicant fails to point out where that limitation in the specification. The rule table in Ward is a unique for specific protocol.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

AP